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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**

17 ALIGN TECHNOLOGY, INC.,
18
19 Plaintiff,
20
21 v.
22 ORTHOCLEAR, INC. and
23 ORTHOCLEAR HOLDINGS, INC.,
24
25 Defendant.

Case No. CV 05-2948 MMC

**SEALING ORDER GRANTING IN PART
AND DENYING IN PART DEFENDANTS'
ADMINISTRATIVE MOTION FOR
LEAVE TO FILE CONFIDENTIAL
DOCUMENTS UNDER SEAL PURSUANT
TO CIVIL LOCAL RULE 79-5
[ORTHOCLEAR INC. REPLY
MEMORANDUM]**

Hearing Date: August 18, 2006
Time: 9:00 a.m.
Courtroom: 7
Judge: Hon. Maxine Chesney

1 It is HEREBY ORDERED that Defendants' Administrative Motion for Leave to File
 2 Confidential Documents Under Seal Pursuant to Civil Local Rule 79-5 [OrthoClear Inc. Reply
 3 Memorandum] is GRANTED in part and DENIED in part:

4 1. The Clerk shall file under seal Exhibit 2 to the Declaration of Sandeep N. Solanki
 5 in Support of Defendant OrthoClear Inc.'s Reply Memorandum in Support of its Motion For
 6 Summary Judgment, dated August 4, 2006 (the "Solanki Reply Mem. Decl.") (excerpts of the
 7 Miller transcript).

8 2. The Clerk shall file under seal Exhibit 3 to the Solanki Reply Mem. Decl.
 9 (excerpts of the Ruutel transcript).

10 3. The Clerk shall file under seal Exhibit 4 to the Solanki Reply Mem. Decl.
 11 (excerpts of the Chishti transcript).

12 4. The Clerk shall file under seal Exhibit 5 to the Solanki Reply Mem. Decl.
 13 (excerpts of the Wolf transcript).

14 5. The Clerk shall file under seal Exhibit 6 to the Solanki Reply Mem. Decl.
 15 (excerpts of the Breeland transcript).

16 6. The Clerk shall file under seal Exhibit 9 to the Solanki Reply Mem. Decl.
 17 (document marked as Exhibit #103 to Chishti deposition).

18 7. The Clerk shall file under seal the Reply Memorandum in Support of Defendant
 19 OrthoClear, Inc.'s Motion For Summary Judgment, dated July 14, 2006.

20 8. With respect to Exhibit 1 to the Solanki Reply Mem. Decl. (excerpts of the
 21 Alvarez transcript), defendants' motion is denied for the reason plaintiff has withdrawn its
 22 designation of the matter as confidential. See Kissman Decl., filed July 20, 2006 (Docket # 208).
 23 Accordingly, the Clerk shall file Exhibit 1 to the Solanki Reply Mem. Decl. in the public record.
 24

25 **IT IS SO ORDERED.**

26 Dated: August 16, 2006



Hon. Maxine Chesney
 United States District Court Judge